

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

KATHLEEN ELAINE PETHTEL, et al.)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 3:10-CV-469
)	
STATE OF TENNESSEE DEPARTMENT)	
OF CHILDREN SERVICES, et al.)	
)	
Defendants.)	

MOTION TO SUSPEND SCHEDULING ORDER

COMES Defendant Omni Visions, Inc. (“Omni”), by and through counsel, and hereby moves the Court to suspend the Scheduling Order. In support of this Motion, Omni would show as follows:

1. The operative Complaint was filed on March 3, 2011. It is one hundred and fourteen (114) pages in length and contains over six hundred (600) paragraphs of allegations—many of said paragraphs contain multiple sub-parts. The Complaint names forty-five (45) different defendants.
2. On July 11, 2011, the Court, *sua sponte*, entered a Scheduling Order requiring the parties to engage in certain discovery-related activities in short order.¹
3. At the time that the Court entered the Scheduling Order, there were seven (7) briefed and pending Motions to Dismiss and/or for More Definite Statement (“Motions to

¹ Those activities included: (a) holding a discovery planning meeting on or before July 26, 2011; (b) preparing and filing a discovery plan within ten (10) days of this meeting; and (c) making all initial disclosures within ten (10) days of this meeting

Dismiss) filed on behalf of twenty-eight (28) named Defendants.² Further, four (4) Answers had been filed on behalf of only sixteen (16) named Defendants.³

4. Given the current posture and pending Motions to Dismiss, Omni would respectfully request that the Court suspend the Scheduling Order until it has had an opportunity to dispose of the pending Motions to Dismiss. Omni would suggest that doing so (regardless of the Court's ruling on the pending Motions to Dismiss) would streamline discovery and facilitate moving this matter to resolution and/or trial – allowing all involved to conserve time and resources while certain pending issues are resolved.

WHEREFORE, Defendant Omni Visions, Inc. respectfully requests that the Court suspend the Scheduling Order and then enter an amended Scheduling Order after it has disposed of the pending Motions to Dismiss.

² See Doc. 63 (as to Defendant Dr. Radu); Doc. 65 (as to Defendant Dr. Palmer-Campbell); Docs. 67, 86, and 101 (as to Defendant the Solution Source, LLC); 69 (as to Defendants Kimbra McKinley and Ryan Peters); Doc. 74 (as to Defendant Omni Visions, Inc.); Doc. 121 (as to Defendants Anderson County Health Department, Pamela Becker, Hazel Bumgardner, Helen Burleson, Katie Butler, Samantha Cardwell, David Clark, Margaret Durgin, Shannon Forrester, Jay Huckabey, Stephanie Huckabey, Cynthia Koehler, Sean Morehead, Heather Poster, Stacey Pratt, Julie Rotella, Martha Ruff, Stephen Ruff, Terry Ryan, Erin Schad, and State of Tennessee Department of Children's Services); Doc. 124 (as to Defendant Child Advocacy Center of Anderson County, Tennessee, d/b/a Clinch Valley Children's Center).

³ See Doc. 56 (as to Defendant Anderson County CASA); Doc. 79 (as to Defendants Steven Abner, Jonathan Acker, Anderson County Sheriff's Department, Wally Braden, Josh Cardwell, Harold Crowley, Joseph Gilvin, Jason Leach, Wiley Mahoney, and Paul White; Doc. 80 (as to Defendants Foothills Care, Inc., Leigh Anne Goldstine, and Stella Hamilton); and Doc. 85 (as to Defendants Gail Clift and Pediadvocates, PLLC).

Respectfully submitted, this 19th day of July, 2011.

By: /s/Christopher T. Cain
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

This the 19th day of July, 2011.

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